

1. The applicant had approached this Court by way of Civil Revision Application u/s 115 of Code of Civil Procedure against the judgement and order dated 8th March 2001 passed by the Fourth Additional District Judge, Pandharpur in C.M.Appeal No.139 of 1999. In view of the amendment to the provisions of CPC in 2002 which came into force with effect from 2003, the revision application was dismissed on the ground that the same is not maintainable. This is so

because the revision application was to question the correctness of the decision of the District Court rejecting the applicant's appeal against the order dated 2nd September 1999 passed by the Civil Judge, Junior Division, Pandharpur rejecting his application Exhibit-4 seeking temporary injunction against respondent no.1. In other words, the revision application was directed against an interlocutory order for which reason it was not maintainable and hence dismissed.

2. The applicant then filed the above said review application on 19th March 2003 raising several issues in the grounds stated in memo of revision. During pendency of the said review petition, the applicant has filed Civil Application in the said review petition for further reliefs.

3. The first question is whether the revision application preferred by the applicant was maintainable in law? That has been answered by this Court while dismissing the revision application on 5th December 2002. So far as correctness of the position stated in the said order, there is nothing to review the same.

4. The applicant who appears in person, however, submits that the said order was passed along with several other matters listed before the Court on the same day and on which date the applicant could not remain present before the Court. None of these grounds will be of any avail to the applicant as the fact remains that the revision application was not maintainable for the reasons recorded in order dated 5th December 2002. The applicant is not disputing the fact that the revision application was filed against the order passed by the Lower Courts refusing to grant interim relief during pendency of the suit. In other words, the decision which was put in issue in revision application, was an interlocutory order passed by the Lower Court as aforesaid. There is no error in the ultimate order passed while dismissing the revision application on 5th December 2002.

5. The applicant, however, contends that the amendment so brought into force to CPC is ultra vires. He submits that this ground has been specifically taken by him in the application in the review application filed before this Court. In the first place, there is no prayer in the

review petition to declare the provisions of CPC as amended to be ultra vires. In any case, no substantive proceedings have been resorted to by the applicant to seek such declaration. The argument canvassed across the bar in the present review application will have to be turned down on this reasoning.

6. The applicant would then contend that rejection of present review application or the civil application in the manner suggested by the Court, would result into breach of principles of natural justice. He submits that the Court should first formulate points on which the adverse order is likely to be passed against the applicant and give opportunity to the applicant to address the Court on those issues. The argument is ill-advised. Suffice it to observe that there is no reason to entertain present proceedings taken out by the applicant. Accordingly, both, the review petition as well as civil application are rejected.

7. Although, the review petition taken out by the applicant is rejected, it is observed that the Trial Court shall expeditiously dispose of the suit preferably by end of April 2008 as it

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pertains to the year 1998.

(A.M.KHANWILKAR, J.)